tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1005.4 is revised to read as follows:

§ 1005.4 Tri-State marketing area.

"Tri-State marketing area", hereinafter called the "marketing area", means all the territory within the following designated districts, including territory within such districts occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other similar establishments:

(a) "Charleston-Huntington district" means all the territory within the boundaries of the following:

(1) Kentucky counties of:

Boyd	Lawrence
Floyd	Magoffin
Greenup	Martin
Johnson	Pike

(2) West Virginia counties of:

Boone	Logan
Cabell	Putnam
Fayette	Raleigh
Kanawha	Wayne
Lincoln	Wyoming

(3) Lawrence County, Ohio;

(b) "Gallipolis-Scioto district" means all the territory within the boundaries of the following:

(1) Ohio counties of:

Gallia	Scioto
Meigs	Jackson

(2) Townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union in Pike County, Ohio;

(3) West Virginia counties of:

Jackson Mason Roane

(4) Magisterial Districts 2, 3, and 8 in Lewis County, Kentucky;

(c) "Athens district" means all the territory within the boundaries of the following:

(1) Athens and Washington Counties, Ohio; and

(2) Wood County, West Virginia.

2. Section 1005.51(a) is revised to read as follows:

§ 1005.51 Class I milk prices.

* * * * *

(a) Add for plants in each respective district as follows: Charleston-Huntington, $1.60; Gallipolis-Scioto, $1.50; and Athens, $1.40.

* * * * *

3. In § 1005.71(a), a new subparagraph (5) is added to read as follows:

§ 1005.71 Computation of uniform price.

* * * * *

(a) * * *

(5) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 20 cents for April and July and 25 cents for May and June: *Provided,* That from the effective date hereof through July 1965, the applicable rate pursuant to this subparagraph shall be 30 cents for each month.

* * * * *

4. Section 1005.72(c) is revised to read as follows:

§ 1005.72 Notification to handlers.

* * * * *

(c) The amounts to be paid by such handler pursuant to §§ 1005.80, 1005.84, 1005.85, and 1005.89 for such month.

5. Section 1005.80(a) is revised to read as follows:

§ 1005.80 Time and method of final payment.

* * * * *

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 18th day after such month at not less than such handler's applicable uniform price for milk of 3.5 percent butterfat plus the payment provided in § 1005.89(b);

* * * * *

6. A new § 1005.89 is added to read as follows:

§ 1005.89 Seasonal adjustment fund.

The market administrator shall maintain a separate fund known as the "seasonal adjustment fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund, as follows:

(a) On or before the 15th day after the end of each month of April, May, June, and July, each handler shall pay to the market administrator the amount subtracted pursuant to § 1005.71(a)(5) in computing the handler's uniform price; and

(b) On or before the 15th day after the end of each month of September, October, November, and December, the market administrator shall pay to each handler on all milk for which payment is to be made to producers pursuant to § 1005.80(a) for such month, and to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 1005.80(b) for such month, at a rate per hundredweight determined as follows:

(1) Multiply the aggregate amount set aside in the immediately preceding months of April through July by 20 percent for each month of September and December and by 30 percent for October and November; and

(2) Divide the amount obtained for each month by the hundredweight of producer milk received by all handlers during the month, computed to the nearest cent per hundredweight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1965.

Signed at Washington, D.C., on April 27, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-4558; Filed, Apr. 29, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6609; Amdts. No. 25-4, 121-5]

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Flight Crew Compartment Doors

The purpose of this amendment is to delete from the provisions of Part 25 of the Federal Aviation Regulations, the requirement that a door, equipped with a locking means, be installed between the passenger and pilot compartments and to incorporate such a requirement in Part 121 of the Federal Aviation Regulations.

Paragraph (e) of § 25.771 requires that a door be provided between the passenger and pilot compartments and that this door be equipped with a locking means to prevent passengers from opening the door without the pilot's permission.

The purpose of a compartment door is to prevent the passengers of an airplane from interfering with the crew during flight operations. Such a requirement has been found necessary for large airplanes used by air carrier and commercial operators in passenger-carrying operations. Therefore, the requirements concerning the installation of a door between the pilot and passenger compartments have been appropriately set forth in the airworthiness requirements for transport category airplanes. Neither the airworthiness requirements for airplanes in the normal, utility, and acrobatic categories nor the operating rules applicable to such airplanes require the installation of a door between the pilot and passenger compartments.

However, there has recently been introduced into service small-size jet airplanes designed for executive use which have had to be certificated under the transport category requirements. Such airplanes, while having the same passenger capacity as piston engine airplanes certificated under the normal, utility, or acrobatic requirements, have exceeded the maximum weight limita-

tion of 12,500 pounds because of the necessary increase in fuel load. In recognition of the fact that the compartment doors are not necessary on such airplanes, the Agency has granted several exemptions permitting them to be type certificated without having the doors installed.

In light of the foregoing, the Agency considers it appropriate to amend the regulations to permit transport category airplanes to be type certificated without the installation of a door between the pilot and passenger compartments rather than to continue issuing exemptions from the requirement. This amendment would have no adverse effect on the airworthiness of transport category airplanes since the door is not required as part of the airplane structure, nor is it necessary for the functioning of any required system or equipment in normal or emergency operation. At the same time, the operating rules set forth in Part 121 of the Federal Aviation Regulations applicable to air carrier and commercial operators are amended to incorporate the requirement for the installation of such a compartment door with a locking means.

Since this amendment merely transfers to the operating rules in Part 121, requirements which are currently applicable to airplanes used by air carriers and commercial operators and, in doing so, clarifies the requirements concerning the installation of compartment doors on transport category airplanes, the Agency finds that notice and public procedure thereon are unnecessary and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 30, 1965, as follows:

1. Section 25.771 of Part 25 is amended by striking out present paragraph (e) and redesignating paragraph (f) as paragraph (e).

2. Section 121.313(f) of Part 121 is amended to read as follows:

(f) A door between the passenger and pilot compartments, with a locking means to prevent passengers from opening it without the pilot's permission.

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424)

Issued in Washington, D.C., on April 24, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-4519; Filed, Apr. 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Effective Date

On March 17, 1965, there was published in the FEDERAL REGISTER (30 F.R. 3516) an amendment to Part 71 of the Federal Aviation Regulations designating a control zone at Napa, Calif.

Subsequent to the publication of the amendment, it was determined that the FAA control tower at Napa County Airport would become operational during the month of July 1965. Therefore, action is taken herein to change the effective date of the rule to July 22, 1965.

Since 30 days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, Airspace Docket No. 65-WE-7 is amended, effective immediately, as follows: "effective 0001 e.s.t., June 24, 1965" is deleted and "effective 0001 e.s.t., July 22, 1965" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 22, 1965.

WM. SLADE HARDEE,
Acting Director,
Western Region.

[F.R. Doc. 65-4515; Filed, Apr. 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Effective Date

On March 30, 1965, there was published in the FEDERAL REGISTER (30 F.R. 4120) an amendment to Part 71 of the Federal Aviation Regulations designating a control zone for Montgomery Field, San Diego, Calif.

Subsequent to the publication of the amendment, it was determined that the FAA control tower at Montgomery Field would become operational during the month of July 1965. Therefore, action is taken herein to change the effective date of the rule to July 22, 1965.

Since 30 days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, Airspace Docket No. 65-WE-8 is amended, effective immediately, as follows: "effective 0001 e.s.t., June 24, 1965" is deleted and "effective 0001 e.s.t., July 22, 1965" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 23, 1965.

WM. SLADE HARDEE,
Acting Director,
Western Region.

[F.R. Doc. 65-4516; Filed, Apr. 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Effective Date

On April 10, 1965, there were published in the FEDERAL REGISTER (30 F.R. 4670) amendments to Part 71 of the Federal Aviation Regulations which designated the Cortez, Colo, control zone, altered the Cortez transition area, and altered VOR airways No. 187 and 211. These amendments were to become effective June 24, 1965.

Because of a delay in commissioning the Cortez VOR, action is taken herein to change the effective date of the rule to July 22, 1965.

Since 30 days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, Airspace Docket No. 65-WE-14 is amended, effective immediately, as follows: "effective June 24, 1965" is deleted and "effective July 22, 1965" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 22, 1965.

WM. SLADE HARDEE,
Acting Director,
Western Region.

[F.R. Doc. 65-4517; Filed, Apr. 29, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Effective Date

On March 30, 1965, there was published in the FEDERAL REGISTER (30 F.R. 4121) an amendment to Part 71 of the Federal Aviation Regulations designating a control zone for Brackett Field, La Verne, Calif.

Subsequent to the publication of the amendment, it was determined that the FAA control tower at Brackett Field would become operational on June 24, 1965, instead of June 4, 1965. Therefore, action is taken herein to change the effective date of the rule to June 24, 1965.

Since 30 days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, Airspace Docket No. 64-WE-64 is amended, effective immediately, as follows: "effective 0001 e.s.t., June 4, 1965" is deleted and "effective 0001 e.s.t., June 24, 1965" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 23, 1965.

WM. SLADE HARDEE,
Acting Director,
Western Region.

[F.R. Doc. 65-4518; Filed, Apr. 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-3]

PART 73—SPECIAL USE AIRSPACE

Alterations of Restricted Areas

Correction

In F.R. Doc. 4343 appearing in the issue for Tuesday, April 27, 1965, at page 5831, the date of issuance prior to the signature reading "March 19, 1965" is corrected to read "April 19, 1965".

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7581]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Equity Securities; Exemptions From Registration

On March 8, 1965, in Securities Exchange Act Release No. 7546 (30 F.R. 3551, March 17, 1965), the Securities and Exchange Commission published for comment its proposal to adopt Rule 3a11-1 (17 CFR 240.3a11-1) defining the term "equity security" as used in section 12(g) and section 16 of the act and Rule 12g-2 (17 CFR 240.12g-2) exempting issuers from the requirement to register certain equity securities under section 12(g). In deciding to adopt the latter proposal, with certain minor changes outlined below, the Commission has determined to redesignate proposed Rule 12g-2 as Rule 12h-2 (17 CFR 240.12h-2).

Section 12(g) of the Act requires certain issuers with total assets exceeding $1,000,000 to file a registration statement with this Commission registering each class of its non-exempt equity securities which is held of record by 750 or more persons at a fiscal year end after July 1, 1964, and each such class of equity securities held of record by 500 or more persons at a fiscal year end after July 1, 1966.[1] Such registration statement must be filed within 120 days after the first fiscal year end at which the class of equity security is held of record by the requisite number of persons, except as otherwise provided by Rule 12g-1 (17 CFR 240.12g-1).[2] It becomes effective 60 days after filing with the Commission or within such shorter period as the Commission may direct.

After such registration statement is effective issuers will be required to file current and annual reports pursuant to section 13 of the act and will be subject to the proxy and other rules adopted by the Commission pursuant to section 14 thereof. In addition, officers, directors and persons beneficially owning, directly or indirectly, more than 10 percent of a class of registered equity security of such issuer, will be required to file ownership reports with the Commission of the amount of each class of issuer's equity securities which are beneficially owned, whether or not registered, and any changes in such ownership pursuant to section 16(a) of the act. Such persons also will be subject to section 16(b) and 16(c) of the act.[3]

Equity security. After a review of the comments received with respect to Rule 3a11-1 the Commission has determined that it is necessary and appropriate in the public interest and for the protection of investors to include within the definition of the term "equity security" the equity interests specified in the proposal and has determined to adopt the rule as proposed.

As adopted, Rule 3a11-1 (§ 240.3a11-1) includes within the definition of the term "equity security" a broad range of equity interests, including any certificate of interest or participation in any profit sharing agreement. It makes clear that the term includes limited partnership interests, interests in joint ventures, certificates of interest in a business trust, voting trust certificates and American and foreign depository receipts for an equity security as well as various other securities. It should be noted that such securities are in addition to common, preferred, redeemable and other stocks which are specifically included within the definition of the term "equity security" in section 3(a)(11) of the act.

Exemption from registration. The Commission also received a number of helpful comments with respect to proposed Rule 12g-2. After consideration of these comments the Commission has determined that the exemptions from registration pursuant to section 12(g) provided by proposed Rule 12g-2 are not inconsistent with the public interest or the protection of investors and has determined to adopt the rule with certain minor additions. As noted above, the Commission has determined to designate the rule as adopted as Rule 12h-2 (§ 240.12h-2).

As adopted, Rule 12h-2 would exempt from registration pursuant to section 12(g) of the Act any interest or participation in an employee stock bonus, stock purchase, profit sharing, pension, retirement, incentive, thrift, savings or similar plan if the interest or participation is not transferable except in the event of death or mental incompetency. It would also exempt any security which is issued solely to fund such plans.

The rule as proposed would have exempted any interest or participation in a bank common trust fund. In order to make clear that the exemption is limited to the type of bank common trust fund interest which is also exempt from registration under the Investment Company Act of 1940, paragraph (b) of the rule as adopted has been revised to incorporate the specific language of section 3(c)(3) of the Investment Company Act of 1940.

The rule as adopted also makes clear that an issuer is not required to register any class of equity security which would not be outstanding 60 days after a registration statement otherwise would be required to be filed with respect thereto.

Other exemptions from the registration provisions of section 12(g) of the act may be provided by rule as the Commission gains experience under the new requirements of the act. In the meantime, section 12(h) of the act provides the Commission with authority to exempt by order any issuer or class of issuers from the registration provisions of section 12(g) upon application of an interested person, after notice and opportunity for hearing, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

Issuers and their counsel should note that Rule 12h-2 provides an exemption from only the new registration requirements of section 12(g) of the Exchange Act and that if any securities which are so exempted by the rule are publicly offered they must be registered under Securities Act of 1933 unless some exemption from that Act is available. Further, it should be noted that if such securities are registered under the Securities Act of 1933 issuers of such securities will be required by section 15(d) of the Exchange Act to file the annual and other reports with respect thereto required by that section unless they are exempt from such requirements.

Commission action. Part 240 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new §§ 240.13a11-1 and 240.12h-2 to read as follows:

[1] Definitions of the term "held of record" and "total assets" are contained in Rules 12g5-1 and 12g5-2 which were adopted Jan. 5, 1965 in Securities Exchange Act Release No. 7492 (17 CFR 240.12g5-1 and 240.12g5-2; see 30 F.R. 483). The term "class" is defined in section 12(g)(5) of the Act to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges.

[2] Rule 12g-1, announced Sept. 15, 1964, in Securities Exchange Act Release No. 7429 (29 F.R. 13461), provides a temporary exemption from section 12(g) for issuers which do not file reports with this Commission under either section 13 or section 15(d) of the act. Pursuant to Rule 12g-1, such issuers which otherwise would be required to file a registration statement pursuant to section 12(g) at an earlier date may delay such filing until Apr. 30, 1965. A temporary exemption from section 14 until two months after a statement is due or Dec. 31, 1965, whichever is earlier, is also provided by such rule.

[3] Section 16(b) allows recovery by or on behalf of the issuer of any profits made by persons subject to section 16(a) in the purchase and sale, or sale and purchase, of such equity securities within a period of less than 6 months. Section 16(c) prohibits the sale of such equity securities by such persons if the person selling the equity security or his principal (1) does not own the equity security sold, or (2) if owning the equity security does not promptly deliver it against such sale—sometimes referred to as selling against the box.